

August 16, 2010

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Via E-Mail and U.S. Mail

Barbara A. Nann  
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Re: Gulfco Marine Maintenance Superfund Site, Freeport, Texas  
Unilateral Administrative Order, CERCLA Docket No. 06-05-05

Dear Barbara:

This letter is in response to your e-mail of August 12, 2010, transmitting EPA's version of an acceptable AOC for an EE/CA.

Once again, The Gulfco group is disappointed in EPA's position at this site. The Group proposed the EE/CA in combination with cap repair work based upon the dearth of unfavorable data collected at the site over the past three years, in order to save time, resources and money for both the Group and the agency.

Following our conference call on August 6, we understood the agency's only real issue with our Statement of Work was the inclusion of a recitation that the EE/CA would be done in lieu of BERA. We expected something back from EPA by August 9. When we did not receive it, we signed and sent the AOC with that language removed from the SOW. Then we received your version on August 12, entirely rewriting the SOW. The EPA's Statement of Work is not reflective of the data or the goals noted above, is vague and completely open-ended, and can be amended by EPA at any time and at the whim of EPA.

Further, the statements in your e-mail are anything but reassuring. You say that EPA management will grant an extension of the BERA if the Group signs your AOC, but you do not specify what would be extended or for how long. Your reference to "additional

527925.4/SPH/73364/0238/081610

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analysis" EPA believes will need to be done for the EE/CA is both vague and news to the Group.

Unfortunately, with the BERA schedule imposed by EPA, the Group is now left with no choice but to conduct the BERA under the UAO.

On another front, the Group is still awaiting a proposed AOC for the tank removal work. This work was originally proposed by the Group in late 2004. We are once again in the midst of hurricane season, and field work for this needs to be completed.

With best regards , I am

Very truly yours,

F. William Mahley

FWM/ksb

cc: Gary Miller  
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